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Attorneys for Plaintiff
JONI BAKER, aka F. JOAN BAKER

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JONI BAKER, a.k.a F. JOAN BAKER,

Plaintiff,

vs.

TARGET CORPORATION, and
DOES 1-10, inclusive.

Defendants.

Case No.: C-07-04998 BZ

**JOINT CASE MANAGEMENT
STATEMENT**

Complaint Filed: April 9, 2007

Case Management Conference
Date: February 25, 2008
Time: 4:00 p.m.
Location: Ctrm. G, 15th Fl.
U.S. District Court
450 Golden Gate Ave.
San Francisco, CA

Pursuant to this Court's Civil Local Rules ("Civ. L.R.") 16-7 and 16-9, the parties jointly submit this Case Management Statement and Proposed order. Each party certifies that its lead trial counsel who will try this case met and conferred for the preparation of this Statement as required by Civ. L.R. 16-4.

1 The parties make the following representations and recommendations:

2 **1. JURISDICTION AND SERVICE**

3 The Court has jurisdiction pursuant to 28 U.S.C. 1441(b) and 28 U.S.C. 1332. There are
4 no issues regarding personal jurisdiction or venue. The incident occurred in San Leandro,
5 California. All parties have been served.

6 **2. JOINT STATEMENT OF FACTS AND EVENTS UNDERLYING THE ACTION**

7 The plaintiff, Joni Baker claims to have sustained personal injuries and damages when she
8 slipped and fell while exiting the bathroom at the Target store locate San Leandro, California on
9 April 20, 2005. Target claims that due to shoplifters stuffing packaging material down the toilets
10 at the subject store the toilets had backed up into the alcove of the store where the bathrooms were
11 located. Target claims it became aware of overflowing toilets in the women's restroom prior to
12 the subject incident and closed the bathrooms on that side of the store, called Performance
13 Plumbing to make repairs and placed warning cones in the alcove. Target further claims that Team
14 Member Carin L. Ortiz advised plaintiff to use the restrooms on the other side of the store.
15 Plaintiff denies any statements were made by any Target personnel to her or her husband or that
16 anyone had told them to use the restrooms on the other side of the store. Plaintiff did see that the
17 women's restroom was closed and observed a mop and bucket in the alcove outside the women's
18 restroom door, as well as a wet floor sign propped up against the wall next to the women's
19 restroom. Plaintiff claims that other customers were using the men's restroom, which was not
20 closed off. Plaintiff's husband proceeded to use the men's restroom and plaintiff followed after
21 her husband finished. Plaintiff slipped and fell on a puddle of water when she was leaving the
22 men's restroom. The water was in the alcove between the men's and women's restroom.

23 Plaintiff claims an injury to her neck which resulted in two fusion surgeries. Target claims
24 that plaintiff condition pre-existed the incident.

25 **3. LEGAL ISSUES**

26 a. The condition of the floor prior to the accident and the adequacy of warnings
27 provided to plaintiff.

28 b. Defendant's negligence and Plaintiff's comparative negligence, if any.

c. Plaintiff's medical history and causation.

d. The nature and extent of injuries.

4. MOTIONS

There are no motions pending.

5. AMENDMENT OF PLEADINGS

None anticipated

6. EVIDENCE PRESERVATION

A copy of the recorded statement of plaintiff and Work Order No. 809576 has been produced.

7. DISCLOSURES

The parties have made timely disclosures pursuant to Fed. R. Civ. P. 26.

8. DISCOVERY

The parties have conducted the following discovery:

The deposition of the plaintiff and plaintiff's husband, Daryl Anders, has been completed. Interrogatories and requests for production of documents have been propounded by plaintiff and defendant. Medical records have been subpoenaed from all known providers, though plaintiff has recently had further surgery, and additional medical records will need to be ordered. Employment records have been subpoenaed, though are incomplete. Prior to 2003, plaintiff lived in Canada, and authorizations for the release of medical records have been requested, but not yet received.

Defendant intends on propounding further interrogatories and requests for production of documents to ascertain plaintiff's current treatment, identity of prior providers and extent of psychiatric injuries claimed. Defendant also intends on noticing the depositions of plaintiff's current treating physician and her prior Kaiser physicians. In addition, defendant may wish to conduct an Independent Medical Examination of the plaintiff.

Plaintiff intends on subpoenaing plumbing records relating to the subject bathroom problem. In addition, plaintiff will take the depositions of Performance Plus Plumbing, Target

employees Carin Ortiz and Dwaine Taylor and any other employee who witnessed the matters relating to the incident.

9. CLASS ACTIONS

No class action is proposed.

10. RELATED CASES

There are no related cases or other actions pending before any other court.

11. RELIEF

Monetary damages are sought for medical expenses, loss of income and earning capacity, pain, suffering and disability.

12. SETTLEMENT AND ADR

The parties have stipulated to mediation and the court has appointed a mediator. The parties are currently considering use of a private mediator. The last date to mediate is July 25, 2008.

13. CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES

The parties have consented to a magistrate judge.

14. OTHER REFERENCES

No other references are appropriate at this time.

15. NARROWING OF ISSUES

None anticipated.

16. EXPEDITED SCHEDULE

None anticipated.

17. SCHEDULING

The parties propose the following:

Designation of expert: 10/13/08

Designation of Rebuttal Experts: 11/3/08

Expert Discovery Cutoff: 11/24/08

Last Day to File Motion re Expert Discovery: 12/8/08

Fact Discovery cutoff: 9/26/08

1 Last Day to File Motion to Compel Fact Discovery: 10/6/08

2 Hearing of Dispositive Motions: 12/1/08

3 Pretrial Conference: 1/5/09

4 Trial: 2/2/09

5 **18. TRIAL**

6 Both plaintiff and defendant demand a jury.

7 **19. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSON**

8 A Certificate of Non-party Interested Entities or persons has been filed by Defendant and
9 Plaintiff.

10 **20. OTHER MATTERS**

11 None known.

12
13 DATED: 2/14, 2008

SEIGEL & YEE

14
15 By: 

16 ALAN S. YEE

17 Attorney for Plaintiff

18 JONI BAKER, aka F. JOAN BAKER

19
20 DATED: 2/14, 2008

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